

HILLTOWN TOWNSHIP BOARD OF SUPERVISORS  
REGULARLY SCHEDULED PUBLIC MEETING  
Monday, January 27, 1992  
7:30PM

The meeting of the Hilltown Township Board of Supervisors was called to order by Chairman William H. Bennett, Jr. at 7:42PM and opened with the Pledge of Allegiance.

Also present: Kenneth B. Bennington, Vice-Chairman  
Jack C. Fox, Supervisor  
Bruce G. Horrocks, Township Manager  
Francis X. Grabowski, Township Solicitor  
C. Robert Wynn, Township Engineer  
George C. Egly, Chief of Police  
Lynda Seimes, Township Secretary

A. APPROVAL OF MINUTES:

Action on the minutes of December 23, 1991 Board of Supervisor's Meeting:

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to approve the minutes of the December 23, 1991 Board of Supervisor's meeting, as written.

Action on the minutes of January 6, 1992 Board of Supervisor's Reorganization Meeting:

Mr. Horrocks noted the four year term Ms. Lorraine Leslie was appointed to as a member of the Board of Auditors was incorrect. Mr. Horrocks advised Ms. Leslie's term on the Board of Auditors is in fact a two year term.

Chairman Bennett questioned page 7, last paragraph, where Supervisor Fox stated he felt the proposed budget "is not realistic". Supervisor Fox advised that statement is correct.

Supervisor Bennington mentioned his motion, on page 2, to reappoint Mrs. Florence Simons to the position of Hilltown Township Tax Collector to fulfill the remaining two years of her term. Supervisor Bennington advised even though it may not have been required to make a motion to reappoint Mrs. Simons to this position, due to the confusion centering around this issue, Supervisor Bennington wished to clarify the reasons for the motion.

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to approve the minutes of the January 6, 1992 Board of Supervisor's Reorganization Meeting, as corrected.

B. APPROVAL OF CURRENT BILLING:

Chairman Bennett presented the Bills List dated January 8, 1992. The total of all funds is \$53,476.00.

Supervisor Bennington asked why there was a bill in the amount of \$1,121.00 for 20 Goodyear Eagle tires, when the Township just purchased four new police vehicles. Mr. Horrocks believed the bill was to purchase snow tires.

Supervisor Bennington questioned the bill for partial tuition reimbursement and asked how it was possible to receive a bill for tuition in the amount of \$734.00 during the first eight days of the new year. Mr. Horrocks thought the tuition reimbursement request was for registration of upcoming classes. Supervisor Bennington felt tuition reimbursement should take place at the completion of the semester, after passing grade requirements were met. Chairman Bennett agreed with Supervisor Bennington, and asked Mr. Horrocks to research this matter.

Supervisor Bennington noted the bill in the amount of \$3.61 for lunch reimbursement during CPR training. Supervisor Bennington thought employees were on straight time, with no overtime during CPR training, and asked why this reimbursement request was submitted. Mr. Horrocks advised there was no lunch provided for the employees who completed the course here at the Township building, however he believes this particular bill was for Linda Hangey, who was enrolled in the CPR instructor's training class at Bucks County.

Supervisor Bennington questioned the bill in the amount of \$685.00 for outpatient medical services. Supervisor Bennington asked why the Township is required to pay such large out-of-pocket costs when a medical insurance plan exists. Mr. Horrocks explained per the Police and Non-Uniform contracts, the current health insurance must be equal to the insurance coverage the Township provided in the past. Supervisor Bennington directed Mr. Horrocks to pull this particular outpatient bill for further review by the Board of Supervisors.

Chairman Bennett noted there were two bills from Blue Cross/Blue Shield paid in January, with one being for the month of February. Chairman Bennett stated dental and prescription reimbursement for this first series of bills totalled \$2,400.00, plus the \$685.00 outpatient services bill Supervisor Bennington previously mentioned. This is a total of \$3,100.00 in one month. If you add dental and prescription reimbursement for the second set of bills to be paid on January 24, 1992, Chairman Bennett commented there is a total of over \$4,000.00 for out-of-pocket dental and prescription expenses in a 30 day period. Mr. Horrocks replied a memo was sent in late December to employees still holding 1991 dental or prescription claims for reimbursement. Mr. Horrocks feels it is possible that several employees had some outstanding 1991 claims remaining in their possession. Chairman Bennett stated it continues to aggravate him that there are absolutely no deductibles from Township employees to provide for their medical coverage.

Supervisor Bennington noted another tuition reimbursement in the amount of \$177.00. Chairman Bennett wondered if that particular bill might have been for the completion of the fall course, to be paid in January. To Chairman Bennett's knowledge, there are only two employees attending school, one in the Administration Department and one in the Police Department.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to accept the bills as presented for payment on January 8, 1992, with the above inquiries to be answered at the next Board of Supervisors meeting.

Chairman Bennett presented the Bills List dated January 24, 1992, totalling \$56,914.00, with State Highway Aid in the amount of \$634.00, and a grand total of \$57,548.00. Chairman Bennett noted the large payment of \$15,465.00 for Workman's Compensation, and \$10,278.00 for Liability Insurance. Almost half of this particular bills list is for insurance payments. Overall, Hilltown Township's insurance coverage costs have not gone up very much this year. Mr. John Snyder of Nationwide Insurance was in attendance and replied this is due to the excellent record the Township maintains with no liability claims on vehicles.

Supervisor Bennington questioned the bill for the Adult First Aid/CPR Course in the amount of \$470.00. Chief Egly explained Linda Hangey, Hilltown's First Aid/CPR instructor, must be certified yearly as an instructor. Mr. Horrocks believed this was the bill for the course when it was offered to each Township employee. There is a per person charge involved for course materials and instruction.

Motion was made by Supervisor Fox, seconded by Supervisor Bennington and carried unanimously to accept the bills as presented for payment on January 24, 1992.

C. TREASURER'S REPORT: Mr. Horrocks presented the Treasurer's Report as of January 24, 1992:

General Fund Checking Account  
End of Month Balance - \$13,921.42

Payroll Checking Account  
End of Month Balance - \$98.25

Fire Fund Checking Account  
End of Month Balance - \$35,485.86

Debt Service Investment/Checking Account  
End of Month Balance - \$1,758.79

State Highway Aid Checking Account  
End of Month Balance - \$25,257.32

Escrow Fund Checking Account  
End of Month Balance - \$116,540.06

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to accept the Treasurer's Report as read, subject to audit.

D. RESIDENT'S COMMENTS ON AGENDA ITEMS ONLY: None.

E. CONFIRMED APPOINTMENTS:

1. Mr. John Snyder - The majority of Supervisors have received information concerning the Zoning Hearing Board. Late Thursday afternoon, January 23, 1992, Mr. Snyder stated in conferring with the Zoning Hearing Board Solicitor, it was discovered that the Solicitor is removing himself from the current on-going hearing being held with Bernie Enterprises, due to a conflict of interest which has arisen. There was a second Zoning Hearing scheduled for this applicant on Thursday, January 30, 1992 at 7:00PM. At this time, it is the decision of the Board of Supervisors, according to the Second Class Township Code and Act 170, to appoint a replacement solicitor for the Zoning Hearing Board. The hearing scheduled for Thursday, January 30, 1992 concerning Bernie Enterprises must be continued until a replacement solicitor is found and appointed.

The Board would discuss this matter and appoint a replacement at their earliest convenience.

F. MANAGER'S REPORT:

1. 1992 Salt Bids (Bid #92-1) - On January 13, 1992, at a special Park and Recreation meeting in which two Supervisors were present, four Salt Bids (Bid #92-1) were opened. Mr. Horrocks presented the following bids for Board approval:

Oceanport Industries of Claymont, Delaware: \$35.20/ton  
AKZO Salt, Inc. of Clark Summit, PA: \$36.15/ton  
Cargill of Lansing, NY: \$38.99/ton  
Yardville Supply Company of Trenton, NJ: \$39.92/ton

Chairman Bennett asked if the salt must be from the United States or Canada. Mr. Horrocks explained that the Township originally assumed that was correct, with PennDot's approval, however it has been discovered that the Commonwealth of Pennsylvania has been purchasing salt from countries other than the United States and Canada for some time.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox and carried unanimously to award Bid #92-1 for Salt to Oceanport Industries in the low bid amount of \$35.20/ton.

2. 1992 Amended Budget - Mr. Horrocks stated a contingency fund now exists in the budget in the amount of \$94,479. The revenues and expenditures both come in at \$2,045,234.00.

Last year, Chairman Bennett advised, the budget was \$1,964,000.00 with \$60,000.00 borrowed from the Bond Fund. This year's budget totals approximately \$21,000.00 more than last year's budget. Chairman Bennett wished to reassure the taxpayers that the budget is no higher, essentially, than it was in 1991. The Board of

Supervisors were unanimous in agreeing, at a previous budget hearing, that there should be a contingency fund, as the first budget draft was simply too tight.

At the January 6, 1992 Reorganization meeting, the Supervisors made a decision to raise taxes 2 mills in order to establish a larger contingency fund, rather than to reduce current employees by approximately two people. Supervisor Bennington and Supervisor Fox were in agreement to vote for the 2 mill tax increase. Chairman Bennett objected to that and suggested a lay-off of two employees, though he did not receive a second to his motion.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to adopt the 1992 amended Budget.

3. Agricultural Security District - Mr. Horrocks explained there are currently seven applications for additions to the Agricultural Security District. An Agricultural Security District Review Panel must be appointed. After review by this panel, and review by the Planning Commission, a recommendation would be given to the Board of Supervisors for approval.

Mr. Horrocks recommended the following people be placed on the Agricultural Security District Review Panel:

1. Mr. William H. Bennett, Jr.
2. Kenneth Beer
3. Robert Wendig, Jr.
4. H. Calvin Weikel

Mr. Horrocks advised all four of these candidates currently have property located within the Agricultural Security District, Mr. Weikel and Mr. Beer being farmers, as well. If there were no objections from the Board, Mr. Horrocks would also like to be included in this review board, to further his education with the Agricultural Security District process.

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to appoint the four candidates mentioned above, along with Mr. Bruce Horrocks, Township Manager, to the Agricultural Security District Review Panel.

4. Recommendation from Park and Recreation Board - Mr. Horrocks presented Recommendation #92-1 from the Hilltown Township Park and Recreation Board, which follows:

"At a special meeting of the Park and Recreation Board held on January 13, 1992, the Board, by a vote of 6 to 1, voted to recommend that the Township retain C.R. Wynn and Associates to do a topographical study of that part of the Civic Association Field where tennis courts are planned, to re-work the grading plan, re-do the sedimentation and erosion control plan, re-orient the softball field, re-locate the walking trail and the parking lot, and to authorize Mr. Tom Buzby and the Public Works Department to dig test holes for topsoil sampling of the field."

Chairman Bennett asked if there was an estimated cost for this work. Mr. Horrocks replied the number discussed was in the range of \$2,500.00. Mr. Wynn stated the original figure discussed was \$2,000.00, but the Park and Recreation Board had added a few items.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox and carried unanimously to adopt Park and Recreation's Recommendation #92-1.

5. A contest was announced in the last Township newsletter, asking for suggestions for a name for the new park to be constructed at the site of the former Civic Association field. The prize to be awarded by the Board of Supervisors would be a \$50.00 Savings Bond. Unfortunately, the deadline date of the contest was the date that the newsletter was finally mailed out. The Park and Recreation Board asked Mr. Horrocks to announce an extension of the contest until February 28, 1992. Entries may be submitted to the Hilltown Township Board of Supervisors at the Township office.

6. Mr. Horrocks presented a revision to Resolution #92-6 which was approved on January 6, 1992. This revision includes the establishment of Subdivision fees, Land/Site Development fees, and cabin rental fees for 1992.

The Park and Recreation Board reviewed cabin rental fees and suggested rates for approval. The cabin rental fees have been increased from 1991. The Subdivision and Land/Site Development fees have increased slightly on Major and Industrial/Commercial rates, as the Township's costs were rising for 1992.

Supervisor Bennington asked why the Park and Recreation Board saw fit to charge non-profit organizations for use of the cabin. Mr. Horrocks replied non-profit organizations were charged previously, though not as much as the Park and Recreation Board's recommendation. In the past, most non-profit organizations have requested relief of these fees from the Board of Supervisors, and may continue to do so in the future.

Supervisor Fox, who also attended the Park and Recreation Board meeting when these issues were discussed, advised the cost to the Township averages \$55.00 for repairs and maintenance of the scout cabin, following cabin rentals. In previous years, the Township has been losing large sums of money in renting the scout cabin.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to adopt the above listed additions to Resolution #92-6, naming Subdivision and Land/Site Development fees and cabin rental fees, revised as of January 27, 1992.

7. One of the items discussed during the budget process was concerning police overtime costs that may be reimbursed through the Drug Forfeiture Program. One area in drug overtime computation that Hilltown Township did not previously get reimbursed for was an officer's court appearance concerning a particular drug related case. Mr. Horrocks received correspondence today advising that Bucks County has changed that policy and in essence, any overtime now spent out of the Township will be 100% reimbursed.

For the Board's information, Mr. Horrocks noted that for one out of twenty-six pay periods in 1991, police overtime annualization paid in one pay period would bring in approximately \$36,000.00. Mr. Horrocks admitted this was a very unfair average, as it was only one pay period out of twenty-six. Mr. Horrocks believes, however, that the Township is well on the way to reducing police overtime.

8. A request for a decision from the Board of Supervisors was received concerning the payment policy to the alternate member of the Zoning Hearing Board. Previously, the alternate member of the Zoning Hearing Board would be paid per meeting, when he or she sat on the board, as a voting member.

It is Supervisor Bennington's opinion that the payment policy remain the same. The Board was in agreement to have the payment policy for the Zoning Hearing Board alternate remain the same.

Supervisor Fox noted under the new Act, there may be three alternates, one for each member of the existing Zoning Hearing Board.

9. Mr. Horrocks presented eight escrow releases for the Board's approval. Seven of the eight escrow releases are bank held letters of credit. The Stone Subdivision is a cash escrow:

Cheeks, Inc.	Voucher #09	\$ 5,671.50
Cefelli	Voucher #05	\$ 425.79
Pheasant Ridge	Voucher #14	\$ 1,425.00
BFI	Voucher #06	\$ 1,854.66
Stoneycrest	Voucher #04	\$ 20,893.50
Stone Subdivision	Voucher #04	\$ 720.00
Deerfield	Voucher #26	\$ 419.35
Summit Court	Voucher #29	\$ 113.41

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to release the seven letters of credit and the one cash escrow for the Stone Subdivision as mentioned above.

10. Mr. Horrocks recommends two adhoc committees, including the Fire Panel and the Recycling Panel, be removed from adhoc status and be placed into a standing board status. It is quite obvious to Mr. Horrocks that both committees will be continually needed by the Township.

Supervisor Fox agreed and stated the Fire Panel is beginning to meet more regularly. Supervisor Fox felt the Recycling Committee should become more involved, not only in recycling, but also in environmental and solid waste issues. Supervisor Fox thought alternate terms should be given to the committee members.

Chairman Bennett stated when the Fire Panel and Recycling Committee were formed approximately three years ago, it was felt that once they did the job they set out to do, the committees could be disbanded. It has been discovered, however, that there is an ongoing need for both panels and Chairman Bennett felt these committees need to continue.

11. The Board asked Mr. Horrocks for suggestions on restructuring the Work Session and Action Meeting (or the regular Board of Supervisors meeting) each month.

Mr. Horrocks suggested that all hearings for adoption of an Ordinance; or any item where a public hearing is required, should be scheduled for the Work Session, which is the first meeting of each month. Mr. Horrocks anticipates this move will reduce time normally spent at the Action Meeting. This alternative would also give the Board time to consider public comment heard at the Work Session before voting and making a decision on an issue. Since the Township Secretary is not required to take minutes at the Work Session meeting, and to allow for accurate minute transcription of a Public Hearing, Mr. Horrocks offered to operate the tape recorder at any scheduled public hearings held during a Work Session meeting.

With the Board's approval, Mr. Horrocks suggested limiting the amount of speaking time for Confirmed Appointments, or during a Public Hearing, to a maximum of five minutes per resident. Mr. Horrocks would be the "time keeper", establishing a one minute remaining warning, and to notify the Board when each resident's speaking time has expired. At that time, it would be the Board of Supervisor's option to extend the speaker's time.

Mr. Horrocks' final suggestion was to add a line item in the Work Session meeting to allow for Public Comment. At present, no Public Comment can be given and no official action by the Board can be taken.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox and carried unanimously to adopt the three recommendations made by Township Manager, Bruce Horrocks, to enlarge the scope of the Work Sessions, beginning with the February 10, 1992 Work Session.

G. CORRESPONDENCE:

1. For the Board's information, the Line Lexington Postal Service is searching for a new post office location. They have provided specifications for the area of their new facility site and are asking the Township requirements for postal facilities. Mr. Horrocks will advise of the Township's position on this matter.

2. Correspondence has been received from the Indian Creek Foundation, asking if Hilltown Township has any events planned for the coming year. It is Mr. Horrocks impression that this organization is seeking Hilltown Township's cooperation in providing police personnel to monitor intersections for a possible Bike-a-thon to be held this year. Mr. Horrocks will follow up before a response is given.

3. The 1993 Fire Hydrant costs will be increasing from \$50.00 to \$63.00 per hydrant through the North Penn Authority. An invoice was received this year at last year's cost per hydrant, though advising of a rate increase for 1992.



4. A request has been received from Mrs. Lori Butler, leader of Brownie Troop #23, asking the Board to consider waiving the scout cabin rental fee for the weekend of May 15th through 16th.

Supervisor Fox added one of the recommendations of the Park and Recreation Board was a deposit fee in the event of damage to the scout cabin. It is Chairman Bennett's personal opinion that fees should be waived for non-profit organizations when requested, but not waive the security deposit fee.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to waive the scout cabin rental fee for Brownie Troop #23, headed by Mrs. Lori Butler.

5. Correspondence has been received from the Pierce Library Association thanking the Board of Supervisors and acknowledging the remaining check of \$9,000.00, as part of their three year campaign, citing that many Hilltown residents use their facility.

6. A letter has been received from Ms. Carol Lauchman, concerning waiving land development fees for Mr. Bachman. This issue was discussed at the last Board meeting, and the Supervisors had requested further information concerning the site, per Mr. Wynn's recommendation of same. In essence, Ms. Lauchman is responding to the request by stating the plot plan submitted does accurately depict the site, and defining existing uses of the lot. The applicant is still requesting a waiver of land development requirements in this particular case.

Chairman Bennett asked how large the proposed building addition is. Mr. Horrocks replied the size of the proposed building is 60' X 60'. Supervisor Fox recommends that land development requirements should be followed for a commercial building of this size, and Chairman Bennett was in agreement. Supervisor Bennington advised that Fish Auto Body was required to follow land development procedures for a building of less square footage than this particular building, and concurred with his fellow Supervisors in stating that land development should be required.

7. Correspondence has been received from the Postal Service, advising that with installation of the emergency 911 service, the Postal Service will be reviewing and updating their street numbers. Since Hilltown Township deals with seven post offices, and as the Township records of house numbering dates back to the archives of record keeping, there will be quite an effort involved in providing the necessary information to the Postal Service. Mr. Horrocks warned of possible street address changes on some streets within Hilltown Township, due to a combination of new postal requirements.

8. For the Board's consideration, Mr. Horrocks copied correspondence from Bucks County Community College concerning a number of courses being offered, which may be ideal for Zoning Hearing Board or Planning Commission members. A course entitled "Basic Training for Zoning Hearing Board Members" might be beneficial to the alternate of the Zoning Hearing Board.

9. A letter was received today from Mrs. Florence Ammon of Bunny's Animal Shelter advising the number of dogs remaining as of December 31, 1991 is 183. When Mr. Horrocks reviewed past records, he noted the number of dogs in January of 1991 was 187. Chairman Bennett commented four years ago, Bunny's Animal Shelter reported the total number of dogs at 313.

10. The Bucks County Opportunity Council announced their quarterly surplus food distribution will be held at the Hilltown Township Municipal Building on Thursday, March 26, 1992 from 2:00PM to 4:00PM.

11. Correspondence has been received from the Chalfont/New Britain Township Joint Sewage Authority requesting further action be taken on five individuals who have not made the Line Lexington sewer connection.

In September or October of 1991, Solicitor Grabowski explained, the Board adopted an Ordinance which provided for the enforcement and sewer connection in that area of the Township. As a result of the adoption of that Ordinance, the next step would be for the Authority to send a connection notice and a copy of the Ordinance, on the Board's behalf, notifying these individuals of a period of time within which to connect. That procedure is currently in effect with the Hilltown Authority through a previous Ordinance.

Rather than going to the expense of having the Township Solicitor prepare the connection notices, Solicitor Grabowski recommended suggesting to the Chalfont/New Britain Authority that they handle the connection notices, as they will be inspecting the connections and receiving the funds. Solicitor Grabowski suggested Mr. Horrocks send a copy of the connection Ordinance adopted by the Township to the Chalfont/New Britain Authority, with a letter stating they have the Board's permission to send connection notices on behalf of Hilltown Township. If those five residents refuse to connect, the next step would be enforcement of the Ordinance through complaints filed with the District Justice.

Supervisor Fox asked if Solicitor Grabowski recalled how many homes were to be connected on Hilltown Township's side of Hilltown Pike. Solicitor Grabowski thought the number was in the mid-twenties, but was not sure.

12. Mr. Horrocks advised the five letters from applicant's interested in serving on the Hilltown Township Water and Sewer Authority Board have been forwarded to the Chairman of the Authority for their review and recommendation to fill the two board vacancies. Solicitor Grabowski commented there may be a special meeting of the Authority held for discussion of this very issue.

13. Mr. Horrocks presented a request from Mr. Eric Applegate, Building Inspector/Zoning Officer, for the Board's recommendations for further action concerning on-going zoning violations of Tax Map Parcel Numbers 15-28-13, 15-13-11 and 15-29-64.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to authorize Mr. Applegate to pursue court action on Tax Map Parcel Numbers 15-28-13 and 15-13-11, which is the next step in the process.

The Board was in agreement to grant an extension to the property owners of Tax Map Parcel #15-29-64, concerning the burning issue, until April 1, 1992

H. SOLICITOR'S REPORT - Mr. Francis X. Grabowski -

1. Solicitor Grabowski presented the Deed of Dedication for the McLaughlin Subdivision, which is a minor subdivision located on Fairhill Road. The first Resolution before the Board is to accept the Deed of Dedication of road frontage along Fairhill Road, and the second is to Declare Public Purpose.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to adopt Resolution #92-8 to accept the Deed of Dedication and Resolution #92-9 for Acceptance of Public Purpose for the McLaughlin Subdivision.

2. Solicitor Grabowski advised St. Philip's Church had a subdivision of property on Clearview Road. The applicant has executed appropriate development agreements relating to the guarantee of construction costs of the required improvements. The amount of money necessary to guarantee the construction was \$42,861.06, that has been posted by the issuance of a Letter of Credit by Union National Bank and Trust Company.

Solicitor Grabowski presented a Development Agreement and a Financial Security Agreement that has been executed by the appropriate officers of St. Philip's Church and recommends the Township, by motion, authorize the acceptance of the agreement and to authorize execution by the Board of Supervisors.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to authorize the Development and Financial Agreements for St. Philip's Church, as stated by the Township Solicitor.

3. Concerning the State Farm/Swartley Land Development, located on old Rt. 309 and Rt. 113, Solicitor Grabowski explained the land development plan appears to be in limbo. Apparently, State Farm representatives are awaiting PennDot approval of their plan, before they proceed with alerting the Township as to their intentions of posting security of the property. However, there was an actual purchase of property by State Farm, and there has been a grant of the road frontage by way of deed of dedication to the Township by predecessor title of Mr. and Mrs. Swartley. Solicitor Grabowski has held the deed of dedication in his file for approximately 45 days, with the hope that things would move along, though they have not. Rather than just holding the file, Solicitor Grabowski brought it this evening and suggested the Board of Supervisors accept the deed of dedication and record it.

Supervisor Bennington was confused and asked Solicitor Grabowski to explain why, if the plan is dormant, any action should take place at all. Solicitor Grabowski advised perhaps the project may never be completed. The dedication of road frontage has been offered to the Township and is pending under an approved land development plan. There is an approved plan on the books with the Supervisor's signatures on it. One of the approved plan requirements includes a deed of dedication and Solicitor Grabowski felt the Board should accept it now.

Motion was made by Supervisor Fox, and seconded by Chairman Bennett to adopt Resolution #92-10 to accept the Deed of Dedication, and to adopt Resolution #92-11 to Declare Public Purpose for the State Farm/Swartley Land Development Plan. Supervisor Bennington abstained because he did not really understand the logic involved, and did not feel comfortable approving something he did not understand.

Discussion took place concerning the State Farm Land Development. Solicitor Grabowski stated one of the conditions of the approval given by the Planning Commission and by the Board of Supervisors, was the conveyance of road frontage. Mr. Wynn mentioned this property changed hands and he does not know what deed was transferred to State Farm. It is possible that the deed State Farm has in their possession does not include the road frontage area, and right now that area would be in limbo - still owned by Mr. and Mrs. Swartley, unless accepted by the Township.

I. ENGINEERING/PLANNING - Mr. C. Robert Wynn, Township Engineer

1. Jerry's Auto Body (Preliminary) - Mr. Wynn presented the preliminary plan for land development for an addition at Jerry's Auto Body Shop, located on Bethlehem Pike. Proposed is a 3,750 sq. ft. addition to the auto body shop previously approved in the early 1980's by site development plan.

The applicant's engineer, Mr. Steve Marinelli of Urwiler and Walter, was in attendance to present the plan. Last week, this plan was before the Planning Commission and received a recommended approval on the preliminary plan. There are two major planning issues to be reviewed with the Supervisors this evening.

The applicant's first waiver request concerns the number of parking spaces. There are 82 parking spaces required, 78 of which are proposed to actually be built, with the remaining 4 to be held in reserve. The Zoning Ordinance allows for a 20% reduction.

The second waiver request was the elimination of a Class "C" buffer along the rear property line. According to the Zoning Ordinance, Section 507, the buffer can be eliminated if the lot adjoins vacant land. Both of these waiver requests were recommended for approval by the Planning Commission.

The remaining items to be completed are all part of the Subdivision/Land Development Ordinance, and as the applicant previously stated at the Planning Commission meeting, they will comply with each item. Mr. Marinelli is requesting preliminary approval for the Jerry's Auto Body plan.

Mr. Wynn noted the Planning Commission did not address the applicant's waiver request concerning the buffer because technically, according to the Zoning Ordinance, a buffer is not required as the land to the rear of the site is vacant. The Planning Commission discussed the fact that there is a residence on the property, but the residence is far removed from the property line. The property adjoining the rear of Jerry's Auto Body is vacant and zoned the same, as required by Ordinance.

The items of preliminary plan recommendation for Jerry's Auto Body include execution of an agreement, in accordance with the Zoning Ordinance, for parking area reduction. Mr. Wynn commented this also occurred in the early 1980's when Mr. and Mrs. Fish first developed the site. This is not, however, an additional 20% reduction of parking requirements. Supervisor Bennington asked who makes the determination that the five extra parking spaces would be needed. Mr. Wynn replied the agreement states that one year after occupancy, the Township will make that determination, and if the Township feels the parking is required, it must be installed.

Mr. Wynn noted there are some outstanding items, including approval from the Bucks County Department of Health. The site is presently served by a holding tank, which was allowed by permit #82-90 of the Bucks County Health Department. Holding tank regulations have changed since time of installation. At this point, the applicant will need an approval to expand as proposed prior to the permit.

The Planning Commission recommended that a minimum of 15 parking area trees be installed per the land development plan. Considering the type of use this is, the number of trees is slightly reduced from the total number of parking spaces, because some of the spaces are actually accounted for inside the building. Fifteen trees are the required number for the outside parking spaces to be installed. Verification of approval from the Bucks County Conservation District is required, and concrete monuments shown on the plan must be installed and certified. Also, the number of traffic trips per day from the site must be provided in the event that number increases or changes the use of the property. A PennDot approval and permit is necessary, and an escrow agreement for all the public improvements is required. Public improvements for this site include a revised retention basin, which was shown on the second sheet of the plan. Presently, there is a retention basin located on the site which must be modified by the current proposal. Mr. Wynn advised the right-of-way was dedicated in 1982, and at that time, a deceleration lane was installed.

Mr. Marinelli explained all the outside agencies Mr. Wynn mentioned have been contacted and the concrete monuments have also been placed, though they have not yet been certified.

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to accept the Planning Commission and Mr. Wynn's recommendation for preliminary approval of the Jerry's Auto Body Land Development Plan.

2. Urlick Subdivision (Minor) - This minor subdivision is located at the corner of Blue School Road and Old Bethlehem Road. The plan proposes to create one new building lot containing approximately 1 1/2 acres, with the balance of the site containing approximately 8 1/2 acres, and will continue to be a single family residence. The site is proposed to be served by on-lot septic and water.

The Planning Commission, by majority vote, recommended final approval of the minor subdivision plan conditioned upon the buffer yard, which is shown along the frontage of Lot #2, being extended along Old Bethlehem Road. Planning Module approval has been received from DER, and verification of approval has been received from PennDot for access to Lot #2. There is a proposed driveway on Blue School Road, at the far corner of Lot #2 and the applicant indicates that based on computer information, there is adequate sight distance. The ultimate right-of-way of Blue School Road and Old Bethlehem Road shall be dedicated to the Township, with the property monumentation shown on the plan installed in accordance with the plan. One final item Mr. Wynn mentioned was that a buffer yard is required to be planted prior to plan recordation or guaranteed by escrow agreement. The applicant was present at the Planning Commission, and indicated he will probably install the trees before the plan is recorded.

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to conditionally approve the Urlick Subdivision final plan, based upon the conditions listed in Mr. Wynn's engineering review letter.

3. JWG Subdivision (Final) - This is a minor two lot subdivision, located at the corner of Cherry Road and Cherry Lane. The site presently contains a building containing two residential dwellings and the Archie Pizza warehouse, which is non-conforming to the Residential district. Proposed is a subdivision of one new lot containing over 60,000 sq. ft., with 54,000 sq. ft. outside of the wetland area, which is shown to the rear of the property. The proposed lot is to be serviced by public water from North Penn Water Authority, and public sewer by the Hilltown Township Authority. Mr. Wynn explained the existing lot containing both the dwelling units and Archie's Pizza warehouse were recently connected to public sewer. The applicant has indicated that the Archie's Pizza warehouse is currently connected to public water, and by notation on the plan, it is proposed that the two dwelling units be connected to public water. There are some buffer plantings proposed to be installed along the rear of the property, on Lot #1 and also street trees along Cherry Road for the frontage of Lot #1, and additional trees along Cherry Lane on Lot #2.

The Planning Commission recommended plan approval, conditioned upon installation of property monumentation in accordance with the information on the plan, that both existing structures on Lot #2 be connected to public water, and that the existing well on Lot #2 be disconnected. The ultimate right-of-way of Cherry Road and Cherry Lane is also required to be dedicated to the Township. In addition, there were some outstanding drafting items contained in the engineering review letter dated January 13, 1992, which must be rectified. Legal description for the right-of-way dedication has been received.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to accept the JWG Subdivision final plan approval, as recommended with the conditions set forth by the Planning Commission and Mr. Wynn.

4. Anders Carpets (Preliminary) - Mr. Wynn presented the Anders Carpet land development plan located on Bethlehem Road. Reviews have been received from both Bucks County and Mr. Wynn's office. The Planning Commission unanimously recommended denial of the plan due to the number of outstanding items on both reviews, unless an extension is received. The applicant's engineer has indicated an extension will be forthcoming, however it has not yet been received.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to recommend denial of the Anders Carpets plan, unless an extension is received.

5. Fretz Enterprises (Final) - This land development plan is located on Bethlehem Pike and has received preliminary plan approval. Most of the planning items had been completed at the preliminary plan stage, though there were some outstanding items, most of which have been accomplished at this time. The Planning Commission has recommended final plan approval subject to three items, which include approval from the Bucks County Conservation District for erosion and sedimentation control; installation of property monumentation and certification by the responsible surveyor; and an escrow for public improvements. Public improvements include stormsewer; and erosion and sedimentation control.

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to conditionally approve the final plan of Fretz Enterprises, based upon the recommendations of Mr. Wynn and the Planning Commission.

6. Hafler Subdivision (Minor) - The site is located on Schwenkmill Road and has received recommendation of denial from the Planning Commission, unless an extension is received. A 90 day extension has been granted by the applicant.

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For clarification, Mr. Wynn explained the Township received a revised plan of this subdivision, which changed the number of lots from two lots to five lots. The Planning Commission formally refused acceptance of the plan as a revised plan, indicating the applicant did not submit the appropriate application and fees for a major subdivision. There appears to be some confusion between the applicant, the realtor and the applicant's engineer as to what is proposed for the site.

7. Bricks Villa Subdivision (Rt. 113 Buffer) - Mr. Wynn presented a proof plan of the Bricks Villa Subdivision, which received approval in 1990, subject to a number of conditions. At this point, the owner, Mr. Brickjalik, has requested that an updated cost/quantity estimate of the public improvements be provided, and that the Township review records to check the status of various conditions, some of which were outside approvals. The period of time since the original approval delay was primarily based upon involvement with wetlands on the site and the need for DER approval of wetland crossing.

One of the conditions of the action of the Board of Supervisors on the final plan was requirement for a landscape buffer along Rt. 113. This plan proposes that along the rear of the lot, against Rt. 113 and near the intersection of Diamond Street, planting detail should be provided. Berms or mounds, approximately four feet in height, are proposed to be staggered along the line with evergreen and tree plantings placed on and between the mounds, as opposed to the traditional buffer.

The Planning Commission reviewed this proposal favorably, though there was no formal vote on the issue. Actually, this was a condition that was added by the Board of Supervisors when it came before them for final plan approval.

Chairman Bennett asked if the applicant was finally preparing to do something with this subdivision. It is Mr. Wynn's understanding that the applicant has a potential buyer who is interested in the status of the subdivision.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to accept the landscaping scenario set forth for the Bricks Villa Subdivision.

8. Mr. Wynn advised the Township has received a request from Cheeks, Inc., a doctor's office which is an ongoing land development, located on Bethlehem Pike, next to Keyser-Miller. Mr. Wynn presented a copy of the finally approved plan, and pointed out the area of the retention basin which was installed.

On the landscaping plan, the plantings that are shown are all requirements of the Ordinance. The plan also included a boxwood hedge along the lower end of the site. Next to the Keyser-Miller site, the plan called for a boxwood hedge and three paper birch trees. There is no buffer required because it is an office use next to a commercial use. Also along the same property boundary, are the evergreen plantings which were installed by Keyser-Miller.



At the time the Keyser-Miller plan was approved, there was a residence located on the Cheeks, Inc. property and therefore, a buffer was required. The plantings that were previously installed are now no longer technically required. Mr. Wynn received a request from the owner, that the boxwood no longer be required to be installed. Mr. Wynn explained it was not a requirement of the Ordinance, however it was included in the escrow estimate. The amount escrowed for that boxwood hedge was \$9,750.00, and the owner has requested they not be required to install them, since they were not technically required by the Ordinance.

Supervisor Bennington stated if the Board were to waive the installation of the boxwood hedge in the amount of \$9,750.00, he would recommend a \$3,000.00 contribution be made to the D.A.R.E. program by the applicant, instead.

9. Supervisor Bennington asked the status of the Rockhill Veterinary Clinic Land Development. Mr. Wynn replied the plan was reviewed by the Planning Commission for the first time at their January meeting. There are two items which conflict with the Zoning Ordinance, and the applicant was advised to appear before the Zoning Hearing Board. One item is the buffer requirement and one item is some encroachment within the floodplain. The applicant was also advised they would most likely need to grant the Township an extension, because a Zoning Hearing would not occur rapidly enough for the normal review period.

Supervisor Bennington questioned status of the Finkelstein Major Subdivision located on Diamond Street. Mr. Wynn advised the applicant was before the Planning Commission and had requested a waiver of street improvements. The Planning Commission indicated they would recommend a waiver of sidewalks, but not of street widening and curbing. There was some discussion as to whether or not street improvements would be completed immediately or if they would be delayed. Mr. Wynn commented at this point, it does not matter, as the improvements need to be designed and the plan would ultimately appear before the Board of Supervisors.

Supervisor Bennington asked the status of the Country Roads Development (formerly Tollgate Village) located on Walnut Street/South Perkasio Road. Mr. Wynn replied the applicant still has not resolved all issues with the Hilltown Township Water and Sewer Authority. The Township has received an escrow estimate and all legal descriptions for that. The PennDot permit has not yet been received, although the applicant has received a general permit for the encroachment within the floodplain area. Supervisor Bennington asked the final escrow amount proposed for the bridge. Mr. Wynn replied the final total was \$250,000.00, in addition to the applicant's construction improvement estimate. Solicitor Grabowski explained it must be escrowed in Phase I of the plan for design construction in Phase III.

To follow up with the status of Country Roads, as it pertains to the Hilltown Authority, Solicitor Grabowski advised Mr. McKenna was before the Authority at it's last meeting. Solicitor Grabowski believes the only unresolved matter remaining is that the Authority is requiring the developer to physically connect to the internal water system at three locations. One location being South Perkasio Road, one location being Rt. 152 near the bridge, and the third location being connection to the existing Phinney Subdivision. The developer has objected to the third inner connection, as they would prefer to make it only two connections. The Authority is insisting there be three connections to ensure the system is entirely looped and there are no dead-ends.

J. RESIDENT'S COMMENTS: None.

K. SUPERVISOR'S COMMENTS:

1. As a right of a Supervisor, Supervisor Fox would like to read into the record, the law in regards to the vote taken concerning the Comprehensive Plan, the changes that were made last year, and the process that is necessary. Supervisor Fox quoted sections of the Municipal Planning Code as follows:

Act 170, Section 301, Sub-Section 3 - Comprehensive Plan consists of maps, charts and textural materials, shall include but not be limited to the following related basic elements - a plan for the movement of people and goods, which may include expressways, highways, local streets, parking facilities, pedestrian and bike systems, public transit, etc.

Section 302B - The Governing Body shall hold atleast one public hearing pursuant to public notice, if and after a public hearing is heard upon the proposed plan or an amendment to a plan, thereto is substantially revised, the Governing Body shall hold another public hearing pursuant to public notice, before proceeding to vote on the plan or the amendment thereof.

Section 303 - Legal status of the Comprehensive Plan within the jurisdiction that adopted the plan - Whenever the Governing Body, pursuant to the procedures provided in Section 302, has adopted a Comprehensive Plan or any part thereof, any subsequent proposed action of the Governing Body, it's departments, it's agencies, and the appointment of the authorities, shall be submitted to the Planning Agency for it's recommendations.

Section 303B - The recommendations of the Planning Agency, including a specific statement as to whether or not the proposed action is in accordance with the objectives of the formally adopted Comprehensive Plan, shall be made in writing to the Governing Body within 45 days. (Supervisor Fox advised what this paragraph is saying is that the Planning Commission has 45 days to review it.)

Under Subsection 4B - Within 30 days after the adoption, the Governing Body of a Municipality, other than a County, shall forward a certified copy of the Comprehensive Plan, or part thereof, or an amendment thereto, to the County Planning Agency, or for Counties where there are no Planning Agency, should be forwarded to the Governing Body of the County in which the Municipality is located.

Under Section 401C - Following the adoption of an Ordinance and official map, or part thereof, or an amendment thereto, a copy of the same verified by the Governing Body, shall be submitted to the Recorder of Deeds of the County in which the Municipality is located, and should be recorded within 60 days of the effective date. (Supervisor Fox advised there has also been a change in the official map).

Supervisor Fox explained what this particular section means is that the Board of Supervisors has a right to change any Ordinance. There are procedures, set up by law, so that a lot of things that might happen, do not happen. There is a procedure of review, which sends the revision back to both Planning Agencies - including Hilltown Township Planning Commission and the Bucks County Planning Commission; as well as the school district, and perhaps even the outlying Municipalities which abutt Hilltown Township. Supervisor Fox noted, the Supervisors, by adopting what was submitted by a resident, have "guttled" Hilltown Township's Comprehensive Plan. Now, a good circulation plan does not exist. According to Act 209, before the Township can ask for off-site improvements from developers for roads, bridges, traffic lights, etc., those areas proposed for improvements are required to be studied by the Township. According to the plan that was recommended for adoption, and later voted upon, (even though it was not done in the proper way), Supervisor Fox advised the Township would have to perform traffic impact studies on every road within the Township. The cost would be in excess of a half a million dollars to perform these traffic impact studies on every road before the Township could study any individual roads located within the Development Area, and ask the developers to pay. Supervisor Fox noted if a developer does not wish to pay for off-site improvements, Hilltown Township can no longer collect those fees, until this stipulation is changed somewhere down the line.

Supervisor Fox's second statement relates to a Zoning Hearing which was held concerning BARC/York II Associates asking for variances on their property located on Old Bethlehem Road. Under the law, the requirement is that the Zoning Hearing Board shall file it's decision and recommendations within 45 days. That decision was not made by the Zoning Hearing Board in a timely manner, within the 45 day timeperiod, and therefore, Supervisor Fox felt those variances which BARC/York II Associates had requested, would automatically go to BARC/York II Associates. The applicant got what they asked for because no matter what the Zoning Hearing Board's decision was, it was not given in a timely manner. According to Supervisor Fox, this is noted under Section 908, Sub-Section 909.

2. Supervisor Bennington asked to respond to Supervisor Fox's remarks. The Board of Supervisors gave the Planning Commission a directive to change the Transportation Plan in the Comprehensive Plan to reflect removal of the two proposed bypasses. Supervisor Bennington stated the Planning Commission ignored the request of the Board of Supervisors, went their own way and did not remove those items the Board had requested. Supervisor Bennington agreed with the language supplied by Mr. Bender, which was clearly what he preferred, and is not the language the Planning Commission submitted. Supervisor Bennington commented that was his prerogative and he would certainly do it a second time.

Further, Supervisor Bennington does not agree with Supervisor Fox that the Board cannot request off-site improvements from developers. Supervisor Bennington discovered this through a legal opinion received from the Township Solicitor and stated Supervisor Fox is not a lawyer. Supervisor Fox replied he is a member of the Board of Supervisors and he is entitled to his opinion and his right to vote. Supervisor Bennington noted Supervisor Fox was not a member of the Board of Supervisors when the vote concerning the Comprehensive Plan took place in December of 1991. Supervisor Fox felt the past Board did not follow the required legal procedures. Supervisor Bennington commented Supervisor Fox had ample opportunity to voice his approval or disapproval at the public hearing held for review of the Comprehensive Plan. Supervisor Bennington felt it was too late for Supervisor Fox to be voicing his disapproval at this point in time.

Concerning the BARC/York II Associates decision, Supervisor Bennington stated the Zoning Hearing Board made a decision and he stood by their decision. It is Supervisor Bennington's opinion that the Zoning Ordinance needs to be revised to close that "loop".

3. Supervisor Fox stated the Planning Commission was directed by the Board of Supervisors to remove the proposed bypasses from the Comprehensive Plan, which is what the Planning Commission did, however they left enough language in to come in under the Circulation Plan. Hilltown Township's Circulation Plan does not fit the law.

Supervisor Fox stated the Board of Supervisors did not follow the procedures, and if they feel they are above the law, that is something else. Supervisor Bennington remarked he never claimed to be above the law. Supervisor Fox was shocked that the past Board of Supervisors had accepted language from a resident for the Comprehensive Plan, when it had not been reviewed by anyone. Supervisor Fox noted the Planning Commission is supposed to be the Supervisor's recommending body and is supposed to know and follow the laws, which is more than he can say for some other boards. Supervisor Bennington asked Supervisor Fox to be more specific, and Supervisor Fox replied the past Board of Supervisors did not follow the law. Supervisor Fox stated Hilltown Township does not have a completed Comprehensive Plan, as it has not been revised according to the law.

Solicitor Grabowski explained the Board of Supervisors voted on the Comprehensive Plan at a public hearing and since a decision has been made, he felt it was a moot point at this time. Supervisor Fox asked Solicitor Grabowski why he did not comment, at the time of the public hearing, that the Board of Supervisors were not following the procedures under the law. Solicitor Grabowski replied he had discussed any ramifications individually with the Board before the public hearing, and advised them his answer to any questions they had. Solicitor Grabowski noted it was a policy decision, it was made at a public hearing and it was a decision that the Supervisors had every right to make.

Chairman Bennett agreed with Supervisor Bennington on both issues.

4. Chairman Bennett announced the Board met in Executive Session prior to this meeting to discuss legal matters.

5. Mr. Dave Sattelle wished to comment on Supervisor Fox's statements earlier in this meeting. Chairman Bennett advised normally resident's have the opportunity to comment during the "Resident's Comments" segment of the agenda, however he would make an exception in this instance.

Mr. Sattelle noted the Planning Commission made revisions to the Comprehensive Plan and presented their recommendations to the Board of Supervisors. The Board of Supervisors held a public hearing and the resident's present at that hearing stated they did not want the proposed bypasses shown on the maps. The Board of Supervisors then removed the proposed bypasses from the maps and now Supervisor Fox is saying the Board was wrong.

Supervisor Fox replied the Supervisors, in a previous meeting, noted they did not want the map with the proposed bypasses on it. The Planning Commission removed the proposed bypasses, and changed the wording from "bypass", but further talked about roads with problems. Supervisor Fox noted the Board of Supervisors has every right in the world to do what is legally allowed, and they are allowed to change the Comprehensive Plan, however there is a process in the law by which they must abide, and that was not attained.

Mr. Sattelle felt the Board of Supervisors made the proper decision concerning the Comprehensive Plan because it was what the people wanted. Supervisor Fox replied it does not make any difference what the people want, it is what the law says is required, that's what makes the difference.

L. PRESS CONFERENCE: A press conference was held to answer questions of those reporters present.

M. LINENS FOR SIGNATURE:

1. Carney Land Development (previously approved)
2. Hager Subdivision

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N. ADJOURNMENT: Upon motion by Chairman Bennett and carried unanimously, the January 27, 1992 Board of Supervisors meeting was adjourned at 9:55PM.

Respectfully submitted,

*Lynda Seimes*

Lynda Seimes  
Township Secretary  
HILLTOWN TOWNSHIP

TO: Hilltown Township  
FROM: C.Robert Wynn  
SUBJECT: ESCROW RELEASE SUMMARY  
DATE: January 27, 1992

1116A

1. Cheeks, Inc. - Voucher #9, dated 1/17/92, in the amount of \$5,671.50 for contingency.
2. Cefelli - Voucher #5, dated 1/9/92, in the amount of \$425.79 for const. obs./esc. adm. for the period from 12/1/91 through 12/31/91.
3. Pheasant Ridge - Voucher #14, dated 1/17/92, in the amount of \$1,425.00 for installation of property pins.
4. BFI - Voucher #6, dated 1/9/92, in the amount of \$1,854.66 for const. obs./esc. adm. for the period from 11/1/91 through 12/31/91.
5. Stoneycrest - Voucher #4, dated 1/17/92, in the amount of \$20,893.50 for storm sewer, sidewalk, erosion control.
6. Stone Subdivision - Voucher #4, dated 1/17/92, in the amount of \$720.00 for installation of monumentation.
7. Deerfield - Voucher #26, dated 1/9/92 in the amount of \$419.35 for const. obs./esc. adm. for the period from 9/1/91 through 12/31/91.
8. Summit Court - Voucher #29, dated 1/13/92, in the amount of \$113.41 for const. obs./esc. adm. for the period from 8/1/91 through 12/31/91.